



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3009

DATE SCANNED 12/29/15

SCANNER NO. 2

SCAN OPERATOR JB



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 8, 2015

55
SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *WHP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickerall *KDR* *SP*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2015 April Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2015 April Quarterly Report in accordance with 52 U.S.C. § 30104(a). The 2015 April Quarterly Report was due on April 15, 2015.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
Reason to Believe Circulation Report
2015 APRIL QUARTERLY Not Election Sensitive 04/15/2015 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3005	C00554253	CLAITOR FOR CONGRESS	CLAITOR, DANIEL A	CHELSEA BONNECAZE	\$120,518	0		Not Filed	\$120,518 (est)	\$4,950
3006	C00548743	FRIENDS OF CLYDE HOLLOWAY FOR CONGRESS	HOLLOWAY, CLYDE C	STEPHANIE HOLLOWAY	\$106,769	0		Not Filed	\$106,769 (est)	\$4,950

3008	C00519231	RAYE FOR CONGRESS	RAYE, KEVIN L.	NICHI S. FARNHAM	\$109,834	0		Not Filed	\$109,834 (est)	\$4,950
3009	C00561324	SCHWARTZ FOR CONGRESS	SCHWARTZ, SHELDON ELLIOTT	DANIEL CICCARIELLO	\$269,047	0		Not Filed	\$269,047 (est)	\$9,800

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2015)
April Quarterly Report for the)
Administrative Fine Program:)
CLAITOR FOR CONGRESS, and) AF# 3005
CHELSEA BONNECAZE as treasurer;)
FRIENDS OF CLYDE HOLLOWAY FOR) AF# 3006
CONGRESS, and STEPHANIE)
HOLLOWAY as treasurer;)

RAYE FOR CONGRESS, and NICHI S.) AF# 3008
FARNHAM as treasurer;)
SCHWARTZ FOR CONGRESS, and) AF# 3009
DANIEL CICCARIELLO as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on June 10, 2015 the Commission took the following actions on the Reason To Believe Recommendation - 2015 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 08, 2015, on the following committees:

AF#3005 Decided by a vote of 6-0 to: (1) find reason to believe that CLAITOR FOR CONGRESS, and CHELSEA BONNECAZE as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the

amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3006 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF CLYDE HOLLOWAY FOR CONGRESS, and STEPHANIE HOLLOWAY as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3008 Decided by a vote of 6-0 to: (1) find reason to believe that RAYE FOR CONGRESS, and NICHI S. FARNHAM as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#3009 Decided by a vote of 6-0 to: (1) find reason to believe that SCHWARTZ FOR CONGRESS, and DANIEL CICCARIELLO as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 11, 2015
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 11, 2015

Daniel Ciccariello, in official capacity as Treasurer
Schwartz for Congress
5 Abernathy Road
Lexington, MA 02420

C00561324
AF#: 3009

Dear Mr. Ciccariello:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period January 1, 2015 through March 31, 2015, shall be filed no later than April 15, 2015. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On June 10, 2015, the FEC found that there is reason to believe ("RTB") that Schwartz for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before April 15, 2015. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$9,800. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$9,800 is due within forty (40) days of the finding, or by July 20, 2015, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$269,047
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1

under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or July 20, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Schwartz for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$9,800 for the 2015 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by July 20, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Schwartz for Congress

FEC ID#: C00561324

AF#: 3009

PAYMENT DUE DATE: July 20, 2015

PAYMENT AMOUNT DUE: \$9,800



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
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December 3, 2015

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *DC/PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Marlene Colucci *M.C.*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2015 April Quarterly Report

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the 2015 April Quarterly Report. The committees have not paid the civil money penalty requested at RTB and have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to the respondents that have not paid the civil money penalties.

For your information, three (3) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, two (2) committees will not be assessed a civil money penalty at FD. An overview of each of these cases has been provided below.

Friends of Clyde Holloway for Congress (AF 3006) filed the 2015 April Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$570 (previously estimated to be \$106,769), thus the fine would be lowered from \$4,950 to \$275.

Raye for Congress (AF 3008) disclosed no activity after the RTB finding (previously estimated to be \$109,834), which would result in no civil money penalty (fine previously assessed to be \$4,950).

Schwartz for Congress (AF 3009) disclosed no activity after the RTB finding (previously estimated to be \$269,047), which would result in no civil money penalty (fine previously assessed to be \$9,800).

Also, one (1) committee detailed below designated a new Treasurer after the RTB finding:

- Friends of Clyde Holloway for Congress (AF 3006) filed an Amended Statement of Organization after the RTB finding designating Felix Guillot, Jr. as Treasurer.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Make a final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letter.

Federal Election Commission
FD Circulation Report Fine Not Paid
2015 APRIL QUARTERLY Not Election Sensitive 04/15/2015 H_S_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
3005	CLAITOR FOR CONGRESS FRIENDS OF CLYDE	CLAITOR, DANIEL A	C00554253	CHELSEA BONNECAZE		Not Filed	\$120,518 (est)	0	06/10/2015	\$4,950	176	\$4,950
3006	HOLLOWAY FOR CONGRESS	HOLLOWAY, CLYDE C	C00548743	FELIX GUILLLOT JR	07/14/2015	Not Filed	\$570	0	06/10/2015	\$4,950	176	\$275
3008	RAYE FOR CONGRESS	RAYE, KEVIN L	C00519231	NICHI S. FARNHAM		Not Filed	\$0	0	06/10/2015	\$4,950	176	NONE
3009	SCHWARTZ FOR CONGRESS	SCHWARTZ, SHELDON ELLIOTT	C00561324	DANIEL CICCARIELLO		Not Filed	\$0	0	06/10/2015	\$9,800	176	NONE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final) AF 3009
Determination Recommendation for the)
2015 April Quarterly Report: Schwartz)
for Congress and Daniel Ciccariello, as)
treasurer)

CERTIFICATION


I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 04, 2015, the Commission decided by a vote of 6-0 to take the following actions in AF# 3009:

1. Make a final determination that Schwartz for Congress and Daniel Ciccariello, as treasurer, listed on the report with no activity violated 52 U.S.C. § 30104(a) and will not be assessed a civil money penalty.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 4, 2015
Date


Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 2015

Daniel Ciccariello, in official capacity as Treasurer
Schwartz for Congress
5 Abernathy Road
Lexington, MA 02420

C00561324
AF#: 3009

Dear Mr. Ciccariello:

On June 10, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Schwartz for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2015 April Quarterly Report. By letter dated June 11, 2015, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$9,800 in accordance with the schedule of penalties at 11 CFR § 111.43. Please note that you must file the 2015 April Quarterly Report in the appropriate format if you have not already done so for your report to be considered filed.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity disclosed in the miscellaneous document dated June 17, 2015. The FEC made a final determination on December 4, 2015 that Schwartz for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Marlene Colucci on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Ann M. Ravel".

Ann M. Ravel
Chair



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3009

DATE SCANNED 12/29/15

SCANNER NO. 2

SCAN OPERATOR JB